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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/058,394

01/28/2002

Glenn C. Garella

4713-026

7392

36829 7590 01/16/2007
SCHWARTZ LAW FIRM, P.C.
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SUITE 11350
CHARLOTTE, NC 28210

EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3693

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

01/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/058,394 | GARELLA ET AL. | |
| | Examiner | Art Unit | |
| | Kirsten S. Apple | 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/28/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/9/02+6/11/02</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This action is in response to the application filed on 1/28/02.

Priority

No claim for priority has been made in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (article "Study: Insurance CRA a success" in the Bay State Banner, Dec 7, 2000) in view of design choice.

Re claim 1, 8, 10 & 17: Miller discloses:

A method comprising:

Lending/borrowing funds to administration foundation (serving to promote financial opportunities and services to targeted neighborhoods communities) the funds being used to purchase life insurance policies for selected affiliates of the foundation (see Miller, abstract)

Collateralizing the loan to the foundation using a cash value of the life insurance policies purchased by the foundation (see Miller, abstract)

Although Miller does not have payout portion of benefits, this is simply a matter of design choice of an insurance policy.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add payout portion of benefits as taught in "design choice" to Miller.

Re claim 2, 11: Miller discloses:

Administrative foundation is chartered by a national coalition of organizations serving to promote community reinvestment initiatives

The examiner argues official notice that by definition of national coalition of organization this is know by one of ordinary skill in the art.

Re claim 3-4, 8, 12-13 & 17: Miller discloses:

third portion of the benefits to a beneficiary designated by the selected affiliate (< 25% of the total policy)

The payout portion of benefits is simply a matter of design choice.

Re claim 5, 8, 14 & 17: Miller discloses:

Applying death benefit > 50 % of total policy benefits to the foundation (first portion)

The payout portion of benefits is simply a matter of design choice.

Re claim 6, 8, 15 & 17: Miller discloses:

Applying death benefit < 50 % of total policy benefits to the designated CRA initiative (second portion)

The payout portion of benefits is simply a matter of design choice.

Re claim 7, 9, 16 & 18: Miller discloses:

Applying death benefit, after the loan to the foundation is satisfied, applying > 75% of the policy benefits to the foundation to fund designated CRA initiative.

The payout portion of benefits is simply a matter of design choice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arena et al., U.S. Patent Publication 2003/0105652 A1, discloses system for managing after-tax death benefits.

Baronowshi et al., U.S. Patent 5,926,800, discloses system for providing line of credit by an assignment of a life insurance policy.

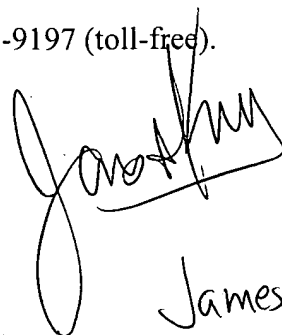
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

 1/5/07
James Kramer

Application/Control Number: 10/058,394
Art Unit: 3693

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